(3)

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WRIT PETITION NO. 4626 OF 2004**

**PETITIONERS:**
(Defendants)

1. M/s Rana Udyog, A proprietorship Firm, 50, Industrial Estate Bhilai, Tehsil & District Durg (C.G.)

2. Shri B.B. Shangare, Proprietor M/s Rana Udyog 50, Industrial Estate Bhilai, Tehsil & District Durg (C.G.)

P.R. No. 4622/Cg...
Presented by Shri...
dated...

**VS**

**RESPONDENT:**
(Plaintiff)

Amforge Industries Limited, a company duly registered under the Companies Act, 1956, having its registered office at Union Bank of India Building, 6th Floor, Sir P.M. Road, Fort, Mumbai (MS) inter-alia amongst other branches having its branch office at 416, Raheja Chambers, Free Pace Journal Marg, Nariman Point, Mumbai, Maharashtra; Through Shri Ajit Pandurang, son of Shri Balvaikar, Company Secretary, Emforge Industries Limited.

**WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA.**

(30)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WPM. 4626/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश |
|---|---|---|
| | **06.01.2005**<br>Miss. Sharmila Singhai, counsel for the petitioner.<br>The petitioner has preferred this petition under Article 227 of the Constitution of India being aggrieved by the order-dated 27.8.2004 passed by learned 7th Additional District Judge (Fast Track Court), Durg by which the learned Additional District Judge allowed the application of the plaintiff/respondent herein filed under Order 6 Rule 17 of CPC for amendment in the plaint, however, the petitioner/defendant was not allowed to make the consequential amendment in his written statement against the amended pleadings of the plaintiff.<br>I have heard the learned counsel for the petitioner.<br>Learned counsel for the petitioner submits that when learned trial court allowed the application of the plaintiff for amending the plaint and the plaintiff was allowed to add Paragraphs 6A to 6E, in that situation without hearing the petitioner the trial court was not right in not allowing the petitioner for filing reply of the amended pleadings, that too without giving any opportunity of hearing and consequential amendment.<br>The point raised by the learned counsel for the petitioner appears to be reasonable. In the first instance, learned trial court ought not to have passed the said order without considering the request, if any made, by | |

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

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|---|---|---|

the petitioner/defendant for filing the reply of the amended pleadings. Therefore, the last portion of the impugned order that the defendant is not allowed to file the consequential reply of the amended pleadings is illegal, same is hereby set aside and it is directed that if the petitioner/defendant, moves an application before the trial court for filing reply of the amended pleadings then trial court should consider that application and decide the same after hearing both the parties in the matter.

With the aforesaid observation and direction, the petition stands disposed of.

Consequently, M.W.P. No.4942/04 & I.A. No.9225/04 also stand disposed of.

Certified copy as per rules.

**Sd/-**
**L.C.BHADOO**
**Judge**